

REMARKS

In the Office Action mailed on March 9, 2004 by the United States Patent and Trademark Office, the Examiner rejected claims 1-28. By way of this Response and Amendment, Applicant has cancelled claims 17 and 20 without disclaimer or prejudice, and amended claims 1, 7, 8, 9, 15, 16, 23 and 28. After entry of these amendments, claims 1-16, 23-28 remain in the above-identified patent application. Reconsideration is respectfully requested in light of the foregoing amendments and the following remarks. The foregoing amendments and the following remarks are believed to be fully responsive to the Office Action mailed on March 9, 2004, and also render all currently pending claims at issue patentably distinct over the references of record.

I. §102(b) REJECTIONS IN VIEW OF SCRIBNER

The Examiner rejected claims 1, 2, 6, 9-10, and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. patent no. 4,688,026 as issued to Scribner et al. on August 18, 1987 (hereinafter referred to as "Scribner"). Applicant respectfully traverses these rejections.

It is respectfully submitted that the claims as originally filed are not anticipated by Scribner. However, Applicant has amended the independent claims 1 and 9 to further distinguish Applicant's invention.

Specifically, Applicant has independent amended claim 1 to recite, with added emphasis, "sending an interrogation signal from the RFID/RFDC device that has an interrogation range," "receiving a first response signal to the interrogation signal from a first marker tag located at a first known location within the interrogation range," and "receiving a second response signal to the interrogation signal from a second marker tag located at a second known location within the interrogation range." It is respectfully submitted that Scribner does not disclose, teach, or suggest two response signals to the same interrogation signal from two marker tags located at two known locations within the interrogation range. Rather, Scribner discloses a sequential interrogation with multiple interrogation signals of multiple tags as set forth by the Examiner on page 3, line 3 of the March 9, 2004 Office Action. Accordingly, Applicant has also amended independent claim 9 to recite, with added emphasis, a RFID/RFDC device that sends an interrogation signal that has an interrogation range," receives a first response signal to the interrogation signal from a first marker tag

located at a first known location within the interrogation range,” and receives a second response signal to the interrogation signal from a second marker tag located at a second known location within the interrogation range.” Therefore, as each and every element of amended claims 1 and 9 are not taught, disclosed or suggested by Scribner, the Applicant respectfully requests the Examiner withdraw the 102(b) rejections based upon Scribner and also withdraw the rejections based upon Scribner of the claims that depend from claims 1 and 9 (i.e., claims 2, 6, 10, and 14).

II. §102(b) REJECTIONS IN VIEW OF CANNON

The Examiner rejected claims 1, 6, 9 and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. patent no. 5,689,238 as issued to Cannon, Jr. et al on November 18, 1997 (hereinafter referred to as “Cannon”). Applicant respectfully traverses these rejections.

It is respectfully submitted that the claims as originally filed are not anticipated by Canon. However, Applicant has amended the independent claim 1 and 9 to further distinguish Applicant’s invention.

Specifically, Applicant has independent amended claim 1 to recite, with added emphasis, “sending an interrogation signal from the RFID/RFDC device that has an interrogation range,” “receiving a first response signal to the interrogation signal from a first marker tag located at a first known location within the interrogation range,” and “receiving a second response signal to the interrogation signal from a second marker tag located at a second known location within the interrogation range.”. It is respectfully submitted that Scribner does not disclose, teach, or suggest multiple marker tags at known locations. Rather, Canon discloses the locations of the marker tags, which are attached to folders, are unknown, and the interrogator of Canon emits a radio signal that allows the user to locate the marker tag, which is associated with an article, such as a document. Accordingly, Applicant has also amended independent claim 9 to recite, with added emphasis, a RFID/RFDC device that “receives a first response signal to the interrogation signal from a first marker tag located at a first known location within the interrogation range,” and receives a second response signal to the interrogation signal from a second marker tag located at a second known location within the interrogation range.” Therefore, as each and every element of amended claims 1 and 9 are not taught, disclosed or suggested by Canon, the Applicant respectfully

requests the Examiner withdraw the 102(b) rejections based upon Canon and also withdraw the rejections based upon Canon of the claims that depend from claims 1 and 9 (i.e., claims 6 and 14).

III. §102(b) REJECTIONS IN VIEW OF AYERS AND §103 REJECTIONS IN VIEW OF AYERS AND CASEWELL.

The Examiner rejected claims 23 and 25-27 under 35 U.S.C. 102 U.S.C. §102(b) as being anticipated by U.S. patent no. 4,143,369 as issued to Ayers on March 6, 1979 (hereinafter referred to as "Ayers"). In addition, The Examiner rejected claim 28 under 35 U.S.C. §103(a) as being unpatentable over Ayers and U.S. patent no. 4,636,950 as issued to Caswell et al on January 13, 1987 (hereinafter referred to as "Caswell"). Applicant respectfully traverses these rejections.

It is respectfully submitted that the claims as originally filed are not anticipated by Ayers nor rendered obvious by Ayers and Caswell. However, Applicant has amended the independent claim 23 and independent claim 28 to further distinguish Applicant's invention.

Specifically, Applicant has independent amended claims 23 and 28 to recite, with added emphasis, a flexible substrate, a first RFID antenna formed of the flexible substrate, and a second RFID antenna formed of the flexible substrate. It is respectfully submitted that Ayers does not disclose, teach, or suggest RFID antennas formed of a flexible substrate nor does Caswell disclose, teach, or suggest this limitation. Therefore, each and every element of amended claims 23 are not taught, disclosed or suggested by Ayers and Ayers and Caswell do not teach or suggest all of the recited claim limitations of claim 28. Accordingly, claim 23 is not anticipated by Ayers and a *prima facie* obviousness does not exist for claim 28 as all the recited claim limitations are not taught or suggested by this prior art. Therefore, the Applicant respectfully requests the Examiner withdraw the §102(b) rejection of claim 23 based upon Ayers, withdraw the §103 rejection of claim 28 based upon Ayers and Caswell, and also withdraw the rejections of the claims that depend from claim 23 (i.e., claims 24-27).

IV. §103 REJECTIONS

The Examiner rejected claims 3-5, 7-8, 11-13 and 15-16 under 35 USC §103(a) as being unpatentable over Scribner in view of U.S. patent no. 5,515,419 as issued to Sheffer on August 18, 1987 (hereinafter referred to as "Sheffer"). The Examiner rejected claims 5 and 13 under 35 U.S.C §103(a) as being unpatentable over Scribner and Sheffer in combination with U.S. patent no. 3,805,265 as issued to Lester on April 16, 1974 (hereinafter referred to as "Lester"). The Examiner rejected claim 24 under 35 U.S.C. §103(a) as being unpatentable over Ayers in combination with Lester. Applicant respectfully traverses these rejections.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify a reference or to combine the teachings of multiple references. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all of the recited claim limitations. Of course, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. Applicant respectfully submits that the Examiner has not met all of the above criteria.

For example, as previously described in the remarks addressing the rejections under 35 U.S.C. §102(b), each of the independent claims have been amended to recite additional claims limitations that Applicant submits are not taught, disclosed or suggested by the references cited in each of the rejections under §102, which are also utilized in the corresponding rejections under §103. Accordingly, a *prima facie* case of obviousness has not been established as the combination of references used for the §103 rejections fail teach or suggest all of the recited claim limitations. Therefore, for at least the foregoing reasons, claims 3-5, 7-8, 11-13 and 15-16 are patentable over Scribner in view of Sheffer, claims 5 and 13 are patentable over Scribner and Sheffer in combination with Lester, claim 24 is patentable over Ayers in combination with Lester, and the Examiner is respectfully requested to withdraw the rejections of these claims under 35 U.S.C. §103.

V. CONCLUSION


Applicant respectfully submits that the above-identified application as amended is now in condition for allowance and the Applicant therefore earnestly requests such

allowance. Should the Examiner have any questions or wish to discuss the foregoing response and amendment, Applicant requests that the Examiner contact the undersigned at (480) 385-5060.

If for some reason Applicant have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

Dated 07/09/2004


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